

ARGUMENTS/REMARKS

Favorable reconsideration of this Application, in light of the following discussion, is respectfully requested.

This request for Reconsideration is in response to the Office Action mailed on July 24, 2008. Claims 1-14 are pending in the Application. Claims 1-14 are amended.

Summarizing the outstanding Office Action, the drawings were objected to for the reasons indicated by the Examiner; The specification was objected to for reasons stated in the office action; Claims 5-14 were objected to for reasons stated in the office action; Claims 1 and 2 were rejected under 35 USC § 102(b) as being anticipated by Walker et al. (US 5127793, Hereinafter "Walker"); Claims 3 and 4 were rejected under 35 USC § 103(a) as being obvious over either Walker.

With respect to the drawing objection (items 1, 2, 4 and 5 of the Office Action), the drawings are amended to include reference number 13.

With respect to the drawing objection under 37 CFR 1.83(b), Figure 4 is added to illustrate a portion of the turbine illustrating the rotor, stator and protections device. No new matter has been added. Replacement drawing sheets and annotated drawing sheets are being submitted herewith.

Thus, the drawing objections should be reconsidered.

With respect to the specification objections, the specification is amended to include a statement specifying the references from which priority is claimed. The specification is amended to correct the reference to duplicate reference numbers and the typographical error related to the term "stator". With respect to the pass-through holes (21) not being shown in the figures, it is

respectfully submitted that the figure 1 clearly shows the sheet (20) being equipped with the pass through holes (21). Thus, the specification objections should be withdrawn.

With respect to the claim objections, claims 5-14 are amended to overcome the objection, reconsideration is respectfully requested. The claims have also been amended to conform to standard US practice. No new matter has been introduced in view of the present amendment.

With respect to the rejection under 35 USC § 102(b), claims 1 and 2 are patentable over Walker. Claim 1 recites that each sector comprises at least one stiffening rib positioned inside said at least one cavity and having a variable section in a longitudinal direction to modulate the rigidity of each sector. There is no disclosure of this feature in Walker.

The Examiner is respectfully reminded that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), and that “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). All that is disclosed in Walker with respect to the axial stiffening ribs is that “axial stiffening ribs 31 are shown provided on each shroud segment” (Col. 5, L. 6-8). There is no other reference to the ribs (31) in the written description of Walker. The figures of Walker, also quite clearly, illustrate the ribs (31) as not having “a variable section in a longitudinal direction to modulate the rigidity of each sector” as recited in Applicant’s claims. For example, Figure 7 shows the ribs (31) as having a constant section. The same is true for Figures 4 and 4c. Thus, the rejection of claim 1 as being anticipated by Walker is unsupported by the reference and is therefore improper.

There is no express or inherent disclosure in Walker of “each sector” comprising “at least one stiffening rib positioned inside said at least one cavity and having a variable section in a longitudinal direction to modulate the rigidity of each sector” as recited in Applicant’s claim 1. Therefore, claim 1 is patentable. Claim 2 depends from claim 1 and is patentable at least by reason of its dependency.

With respect to the rejection under 35 USC § 103(a), claims 3 and 4 are patentable over Walker. Claims 3 and 4 depend from claim 1, which for the reasons described above is patentable over Walker. Therefore, claims 3 and 4 are patentable over Walker at least by reason of their respective dependencies.

It is further submitted that the Examiner’s statement regarding the features of claims 3 and 4 being merely a matter of design choice to one skilled in the art in light of Walker is based purely on hindsight reasoning. There is no disclosure in Walker of the specific features recited in Applicant’s claims 3 and 4, therefore there is no way for one to discern Applicant’s claimed features from Walker. Thus, claims 3 and 4 are patentable over Walker for this additional reason.

It is further noted that claims 5-14 are patentable over Walker at least by reason of their respective dependencies on claim 1.

Consequently, in view of the above remarks, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. A Notice of Allowance for claims 1-14 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant’s undersigned representatives at the below listed telephone number.

It is believed that no fees or charges are required at this time in connection with the application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 09-0470.

Respectfully submitted,
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